

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS
(Jointly Administered)

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.¹
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ORDER DENYING MOTION TO STRIKE AMENDED NOTICE OF APPEAL

The Court has received and reviewed the *Motion to Strike Amended Notice of Appeal* (Docket Entry No. 8742, the “Motion”), filed by the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), the *Response and Opposition of Individual COFINA Bondholder to FOMB/COFINA Motion to Strike Amended Notice of Appeal* (Docket Entry No. 8792) filed by Peter C. Hein, and the *Reply of Puerto Rico Sales Tax Financing Corporation in Support of Motion to Strike Amended Notice of Appeal* (Docket Entry No. 8775, the “Reply”). The Motion seeks an order striking Mr. Hein’s *Supplemental and Amended Joint Notice of Appeal to the United States Court of Appeals for the First Circuit* (Docket Entry No. 8717, the “Supplemental Notice of Appeal”).

“As a general rule, with only limited exceptions, entry of a notice of appeal divests the district [judge] of jurisdiction to adjudicate any matters related to an appeal.” United States v. Sevilla-Oyola, 770 F.3d 1, 13 n.22 (1st Cir. 2014) (quoting United States v. Martin, 520 F.3d 87, 97 (1st Cir. 2008)). Mr. Hein’s Supplemental Notice of Appeal was docketed on September 16, 2019, and the Court docketed the *Transmittal of Record to the Court of Appeals* (Docket Entry No. 8719) on September 17, 2019. The Court therefore lacks authority to

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.)

adjudicate matters related to the Supplemental Notice of Appeal, including the Motion which was filed on September 20, 2019. The Oversight Board's argument that the Court has jurisdiction to determine its own jurisdiction with respect to whether it can "allow the notice of appeal to be amended" (Reply ¶ 3) fails because there is no pending request to amend a notice of appeal before this Court. To the extent that the Oversight Board disputes the propriety of the Supplemental Notice of Appeal, those concerns should be addressed to the United States Court of Appeals for the First Circuit in a manner consistent with that court's rules and procedures.

The Motion is therefore denied. This Order resolves Docket Entry No. 8742.

SO ORDERED.

Dated: October 3, 2019

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge